

REMARKS

In the application claims 59 and 63-68 remain pending. Claims 1-58 and 60-62 have been canceled without prejudice. The claims as amended and added find support in the specification as originally filed. No new matter has been added.

Pending claims 59 and 63-68 presently stand rejected under 35 U.S.C. § 101. It is respectfully submitted that the claims, which are not directed to a method or process but which are directed to a system including a point-of-sale device, are in compliance with the statutory requirements of 35 U.S.C. § 101. It is, therefore, respectfully requested that the rejection of the claims under 35 U.S.C. § 101 be withdrawn.

Pending claims 59 and 63-68 presently stand rejected under 35 U.S.C. § 101 as being anticipated by Voltmer (U.S. Patent No. 7,398,225). The reconsideration of this rejection is respectfully requested.

It is respectfully submitted that a rejection under 35 U.S.C. § 102 can be maintained only if each and every element as set forth in a claim is found, either expressly or inherently described, in the reference being relied upon. Thus, to maintain a rejection under 35 U.S.C. § 102, the identical invention must be shown in as complete detail in the reference being relied upon as is contained in the claim being considered.

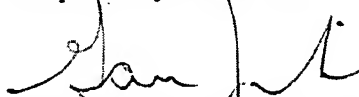
Considering now Voltmer, it is respectfully submitted that Voltmer does not disclose, teach, or suggest providing a recurring cash value benefit to a most-valued customer that is selected from a plurality of consumers based on at least one of a net amount spent on purchases within a predetermined amount of time at the retail store by individual ones of the plurality of consumers, the retail store's gross profit margin on the purchases made by individual ones of the plurality of consumers, and a number of trips to the retail store made by individual ones of the

plurality of consumers. Rather, Voltmer discloses a system in which *all* customers are eligible to provided points based upon, for example, a point-for-dollars ratio, a defined quantity of points per item or per transaction, or some combination thereof. (Voltmer; Col. 11, lines 19-25). Thus, because Voltmer does not disclose, teach, or suggest providing a recurring cash value benefit to a most-valued customer that is selected from a plurality of consumers based on at least one of a net amount spent on purchases within a predetermined amount of time at the retail store by individual ones of the plurality of consumers, the retail store's gross profit margin on the purchases made by individual ones of the plurality of consumers, and a number of trips to the retail store made by individual ones of the plurality of consumers it is respectfully submitted that Voltmer cannot be said to anticipate or render obvious the invention claimed. For this reason it is respectfully submitted that the rejection of the claims must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Examiner is respectfully requested.

Respectfully Submitted;



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